

PATENT APPLICATION
042390.P10047

Remarks

Reconsideration of this application is requested in view of the amendments above and remarks below. By this amendment, claims 1, 2, 4, 6, 11-18, and 27-30 have been amended, claims 31-46 have been added, and claims 19 and 20 have been cancelled. Accordingly, claims 1-18 and 21-46 are in the Application.

Response to 35 U.S.C. §112 Rejections

Claims 19 and 20 were rejected under 35 U.S.C. §112, first paragraph. Applicant respectfully traverses this rejection in view of the amendments above and the remarks that follow.

Applicants believe that claims 19 and 20 are in compliance with 35 U.S.C. §112, since one skilled in the art can make and use the claimed structure. However, to further prosecution of this Application, claims 19 and 20 have been cancelled.

Claims 1-9, 11-16, 18-20, and 30 were rejected under 35 U.S.C. §112, second paragraph. Applicant respectfully traverses this rejection in view of the amendments above and the remarks that follow.

Claims 1 and 11 have been amended and are now believed to be in conformance with 35 U.S.C. §112. Claims 2-9 depend either directly or indirectly from claim 1 and are believed to be allowable for at least the same reasons as claim 1. Claims 12-16, 18 and 30 depend either directly or indirectly from claim 11 and are believed to be allowable for at least the same reasons as claim 11. Claims 19 and 20 have been cancelled.

PATENT APPLICATION
042390.P10047

Response to 35 U.S.C. §102 Rejection

The Office action rejects claims 1-3, 11, 12, 18-20, and 30 under 35 U.S.C. §102 (a) as being anticipated by Yoshinaga et al. (U.S. Patent No. 4,995,705). Applicant respectfully traverses this rejection in view of the amendments above and the remarks that follow.

As is well established, in order to successfully assert a prima facie case of anticipation, the Office action must provide a single prior art document that includes every element and limitation of the claim or claims being rejected. Therefore, if even one element or limitation is missing from the cited document, the Office action has not succeeded in making a prima facie case.

Yoshinaga et al. does not teach or suggest at least a non-optical storage device as recited in Applicants' claim 1 or a non-optical memory as recited in Applicants' claim 11. Since the cited documents do not teach all the limitations of Applicants' claims 1 and 11, it is believed that the rejections of these claims should be withdrawn and that these claims are in condition for allowance.

Claims 2-3 depend either directly or indirectly from claim 1 and are believed to be allowable for at least the same reasons as claim 1. Claims 12, 18 and 30 depend either directly or indirectly from claim 11 and are believed to be allowable for at least the same reasons as claim 11. Claims 19 and 20 have been cancelled.

PATENT APPLICATION
042390.P10047

Response to 35 U.S.C. §103 Rejections

The Office action rejects claims 5, 8 and 9 under 35 U.S.C. §103(a) as being unpatentable over Yoshinaga et al. (U.S. Patent No. 4,995,705). Applicant respectfully traverses this rejection in view of the amendments above and the remarks that follow.

Claim 5, 8, and 9 depend from claim 1 and are believed to be allowable for the same reasons as claim 1.

The Office action rejects claims 27 and 28 under 35 U.S.C. §103(a) as being unpatentable over Yoshinaga et al. (U.S. Patent No. 4,995,705) in view of Saitou et al. (U.S. Patent No. 6,141,309). Applicant respectfully traverses this rejection in view of the amendments above and the remarks that follow.

It is well established that in order to establish a prima facie case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations (see e.g., M.P.E.P. §2142). Yoshinaga et al. does not teach or suggest at least a non-optical memory as recited in Applicants' claim 27. Since the cited documents do not teach all the limitations of Applicants' claims 27, it is believed that the rejection of this claim should be withdrawn and that these claims are in condition for allowance.

Allowable Subject Matter

Allowance of claims 21-26 is hereby noted.

The Office action stated that claims 4, 6, and 13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. §112 and to include all of

PATENT APPLICATION
042390.P10047

the limitations of the base claim and any intervening claims. Claims 4, 6, and 13 have been amended and are believed to be allowable. Claim 15 depends from claim 13 and is believed to be allowable for the same reasons as claim 13.

Applicants appreciate the Examiner's indication that claims 7, 14 and 16 would be allowable if rewritten in independent form. However, Applicant has provided reasons above why the base independent claims 1 and 11 are allowable. Therefore, Applicants respectfully request that the Examiner withdraw the objection to claims 7, 14, and 16 for the reasons stated above.

New Claims

Claims 30-46 have been newly added and are believed to be allowable. Applicants submit that no new matter has been added.

PATENT APPLICATION
042390.P10047

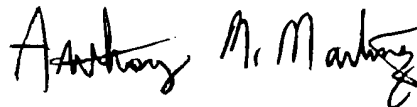
Conclusion

In view of all of the above, it is believed that Applicants' claims are allowable, and the case is in condition for allowance, which action is earnestly solicited. Reconsideration of the rejections and objections is respectfully requested.

Should it be determined that an additional fee is due under 37 CFR §§1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #02-2666.

If the Examiner believes that there are any informalities that can be corrected by an Examiner's amendment, a telephone call to the undersigned at (480) 552-0624 is respectfully solicited.

Respectfully submitted,
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